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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Stephen B. Gest

Application No.: 10/720,256

Filed: November 25, 2003

For: METHOD AND SYSTEM FOR
EXCHANGING INFORMATION
WITH A PROCESS USING A
WINDOW DISPLAY PORT

)
)
) Group Art Unit: 2179

)
) Examiner: KIM LYNN T DAM

)
) Appeal No.: _____

SUBSTITUTE APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 18, 2008, the U.S. Patent and Trademark Office issued a Notification of Non-Compliant Appeal Brief in which the Board of Patent Appeals and Interferences identified certain 37 C.F.R. §41.37 non-compliance issues in the Appellant's original Appeal Brief as filed on July 3, 2008. This appeal is to present a substitute copy of Appeal Brief that is compliant with 37 C.F.R. §41.37 in response to the July 18 Notification.

☒ A Charge ☐ \$ 250 ☒ \$ 510 to Deposit Account No. 08-2025 was previously paid July 3, 2008

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 08-2025.

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I. Real Party in Interest

The present application is assigned to Hewlett-Packard Development Company, L.P. Hewlett-Packard Development Company, L.P. is the real party in interest, and is the assignee of Application No. 10/720,256.

II. Related Appeals and Interferences

The Appellant legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-50 were originally presented. Claim 51 was added by the Amendment of June 11, 2007. Claims 1-51 are currently pending in this application, all of which stood finally rejected by the Examiner's final Office Action dated January 3, 2008. Claims 1-51 are being appealed.

IV. Status of Amendments

All prior amendments, including the last amendment filed June 11, 2008, have been entered. There are no pending amendments. A copy of the June 11, 2007 Amendment was submitted on September 21, 2007 because the June 11, 2007 Amendment has apparently been misplaced by the Patent Office.

V. Summary Claimed Subject Matter

The present disclosure relates to a method and system for exchanging information with a process, such as an instance of a computer executed application (e.g., a word processor application), using a window display port. As variously

exemplified in Figures 1-6, information related to a first process is presented in a window that is resizable within a presentation space of a monitor. For example, as illustrated in Figure 2, in a window 108, which is resizable within the presentation space 106, information related to a first process - process 1 - is presented. A second process - process 2 - is selected and a display port 118 is opened in a portion of the window 108. Information related to the second process is presented in the display port 118. The display port is linked to the window within the presentation space of the monitor. Thus, the display port is linked to the window presenting information related to the first process and the display port presents information related to the second process.

Pursuant to 37 C.F.R. §41.37(1)(c)(v), the subject matter of independent claims 1, 17 and 38 and "means plus function" claims 45-50 on appeal are cross-referenced to the specification and/or drawing figures in the following table. The following table is not to be construed as a representation that the portions of the disclosure identified below constitute the sole basis for support for the claimed subject matter.

1. (Previously Presented) A method for exchanging information with a process using a window display port, the method comprising:	Paragraph 0004, and FIG. 6.
presenting information related to a first process in a window that is resizable within a presentation space of a monitor;	Paragraphs 0004 and 0041, and block 602 of FIG. 6.
selecting a second process;	Paragraphs 0004 and 0042, and block 604 of FIG. 6.

opening a display port in a portion of the window;	Paragraphs 0004 and 0043, and block 608 of FIG. 6.
presenting information related to the second process in the display port; and	Paragraphs 0004 and 0044, and block 610 of FIG. 6.
linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,	Paragraphs 0025, and 0044-0046; Paragraphs 0017 and 0019.
wherein the first and second processes are separate processes.	Paragraphs 0052 and 0053, and FIG. 6.
17. (Previously Presented) A system for exchanging information with a process using a window display port, the system comprising:	Paragraph 0005, and FIG. 1.
a monitor having a presentation space; and	Paragraphs 0005 and 0015, and reference numeral 104 of FIG. 1.
a processor operatively coupled to the monitor, the processor including:	Paragraphs 0005 and 0015, and reference numeral 102 of FIG. 1.
logic configured to present information related to a first process in a window that is resizable within a presentation space of a monitor;	Paragraphs 0005 and 0017, and reference numeral 108 of FIGS. 1 and 2.
logic configured to select a second process;	Paragraphs 0005 and 0019.
logic configured to open a display port in a portion of the window;	Paragraphs 0005 and 0020, and reference numeral 118 of FIG. 1.
logic configured to present information related to the second process in the display port; and	Paragraphs 0005 and 0024, and reference numeral 118 of FIG. 1.
logic configured to link the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,	Paragraphs 0005, 0025 and 0044; and reference numerals 108 and 118 of FIG. 1.
wherein the first and second processes are separate processes.	Paragraphs 0017 and 0019.

38. (Previously Presented) A computer readable medium in which a computer program for exchanging information with a process using a window display port is stored, wherein the computer program comprises executable instructions for:	Paragraphs 0052 and 0053, and FIG. 6.
presenting information related to a first process in a window that is resizable within a presentation space of a monitor;	Paragraphs 0041, 0052 and 0053, and block 602 of FIG. 6.
selecting a second process;	Paragraph 0042, 0052 and 0053, and block 604 of FIG. 6.
opening a display port in a portion of the window;	Paragraphs 0043, 0052 and 0053, and block 608 of FIG. 6.
presenting information related to the second process in the display port; and linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port;	Paragraphs 0025, 0044, 0052 and 0053, and block 610 of FIG. 6.
wherein the first and second processes are separate processes.	Paragraphs 0017 and 0019.
45. (Previously Presented) A system for exchanging information with a process using a window display port, the system comprising:	Paragraph 0005, and FIG. 1.
a monitor having a presentation space	Paragraphs 0005 and 0015, and reference numeral 104 of FIG. 1.
means for presenting information related to a first process in a window that is resizable within the presentation space of the monitor;	Paragraphs 0005 and 0017, and reference numeral 108 of FIGS. 1 and 2.
means for selecting a second process;	Paragraphs 0005 and 0019, and reference numeral 102 of FIG. 1.
means for opening a display port in a portion of the window;	Paragraphs 0005 and 0022, and reference numeral 102 of FIG. 1.

means for presenting information related to the second process in the display port; and	Paragraphs 0005 and 0024, and reference numeral 102 of FIG. 1.
means for linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,	Paragraphs 0005, 0025 and 0044, and reference numeral 102 of FIG. 1.
wherein the first and second processes are separate processes	Paragraphs 0017 and 0019.
46. (ORIGINAL) The system of claim 45, comprising:	Paragraph 0005, and FIG. 1.
means for associating an input focus with the window, wherein the first process can receive information from a user interface; and	Paragraphs 0005 and 0027, and reference numeral 102 of FIG. 1.
means for associating the input focus with the display port, wherein the second process can receive information from the user interface.	Paragraphs 0005 and 0029, and reference numeral 102 of FIG. 1.
47. (Previously Presented) The system of claim 45, comprising:	Paragraph 0005, and FIG. 1.
means for swapping the information presented in the display port related to the second process with the information presented in the window related to the first process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window.	Paragraphs 0005 and 0031, and reference numeral 102 of FIG. 1.
48. (ORIGINAL) The system of claim 47, comprising:	Paragraph 0005, and FIG. 1.
means for associating an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface.	Paragraphs 0005 and 0031, and reference numeral 102 of FIG. 1.

49. (ORIGINAL) The system of claim 45, comprising:	Paragraph 0005, and FIG. 1.
means for hiding the presenting of information related to the second process and the display port while maintaining an execution of the second process.	Paragraphs 0005 and 0033, and reference numeral 102 of FIG. 1.
50. (ORIGINAL) The system of claim 45, comprising:	Paragraph 0005, and FIG. 1.
means for maintaining a relative positioning of the display port within the window when repositioning the window within the presentation space of the monitor.	Paragraphs 0005 and 0026, and reference numeral 102 of FIG. 1.

VI. Grounds of Rejection to be Reviewed on Appeal

Whether Claims 1-51, Rejected Pursuant to 35 U.S.C. §103(a), Are Patentably Distinct Over U.S. Patent Publication No. 2003/0117527 (hereinafter, "Smith").

VII. Argument

A. Claims 1-51, Rejected Pursuant to 35 U.S.C. §103(a), Are Patentably Distinct Over Smith.

The Examiner's rejection in numbered paragraph 4 on pages 2-11 of the Office Action, whereby claims 1-51 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable on the basis of Smith, is improper and should be reversed.

Claim 1 recites, among other features, a method for exchanging information with a process using a window display port, the method comprising: presenting information related to a first process in a window that is resizable within a

presentation space of a monitor; selecting a second process; opening a display port in a portion of the window; and presenting information related to the second process in the display port.

Smith does not disclose at least the features of presenting information related to a second process in a display port as presently claimed.

Smith discloses displaying a smaller television screen 24 in a picture-in-picture window 25 at a portion of a television screen 21, and thus providing a picture-in-picture capability. The picture-in-picture window 25 displays a currently tuned channel, where the channel can be referred to as an audiovisual source, such as television channels, closed-circuit video, DVD signals.

Smith further discloses that the picture-in-picture window 25 can be portable to other display screen environments, such as in a computer monitor or closed-circuit camera system. Referring to FIG. 5 of Smith, the picture-in-picture window 225 displays an audiovisual source signal. See paragraph 0030.

In Smith, the picture-in-picture window displays television channels, closed-circuit video, DVD signals, or an audiovisual source signal. Smith does not teach or suggest that the picture-in-picture window presents information related to a process, (e.g., an instance of a computer application executed by a computer). Therefore, the picture-in-picture window in Smith cannot be considered as corresponding to the presently claimed display port. Smith's patent is not directed to facilitating a user's input of information via a user interface to any of multiple processes (e.g., computer applications). Instead, Smith, at most, facilitates a user's ability to simultaneously view images from an audiovisual source in a picture-in-picture window, with images

already displayed on a TV or computer screen. Accordingly, Smith does not teach or suggest presenting information related to a second "process" in a display port, as recited in claim 1. Smith also fails to disclose "linking" a display port (which presents a second process) to a resizable window (that presents a first process).

In view of the foregoing, claim 1 is patentably distinct over Smith. Independent claims 17, 38 and 45 are also patentably distinct over Smith because claims 17, 38 and 45 include distinguishing features similar to those of claim 1. The remaining claims are also patentably distinct over Smith at least because of their respective dependencies.

B. Additional Reasons that Claims 2-5, 18-21, 39 and 46 Rejected Pursuant to 35 U.S.C. §103(a), Are Patentably Distinct Over Smith.

Claims 2-5 recite associating an input focus with the window, wherein the first process can receive information from a user interface; and associating the input focus with the display port, wherein the second process can receive information from the user interface.

Smith discloses receiving information from a user associated with the picture-in-picture window. However, Smith does not teach or suggest an input focus associating with the picture-in-picture window or the larger screen, and allowing information from the user interface to be received by a "process" related to the associated picture-in-picture window or larger screen.

In view of the foregoing, claims 2-5 are patentably distinct over Smith for those additional reasons.

Claims 18-21, 39 and 46 are patentably distinct over Smith for additional reasons similar to those of claims 2-5. Claims 18-21, 39 and 46 include distinguishing features similar to those of claims 2-5.

C. Conclusion

In light of the foregoing remarks, reversal of the rejections of claims 1-51 is requested.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

See attached Evidence Appendix for copies of evidence relied upon by Appellant.

X. Related Proceedings Appendix

See attached Related Proceedings Appendix for copies of decisions identified in Section II, supra.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date August 14, 2008

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VIII. CLAIMS APPENDIX

The Appealed Claims

1. (PREVIOUSLY PRESENTED) A method for exchanging information with a process using a window display port, the method comprising:
 - presenting information related to a first process in a window that is resizable within a presentation space of a monitor;
 - selecting a second process;
 - opening a display port in a portion of the window;
 - presenting information related to the second process in the display port; and
 - linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,wherein the first and second processes are separate processes.
2. (ORIGINAL) The method of claim 1, comprising:
 - associating an input focus with the window, wherein the first process can receive information from a user interface; and
 - associating the input focus with the display port, wherein the second process can receive information from the user interface.
3. (ORIGINAL) The method of claim 2, comprising:
 - associating the input focus with only one of the window and the display port at a time.
4. (ORIGINAL) The method of claim 3, comprising:
 - switching the input focus between the window and the display port.
5. (ORIGINAL) The method of claim 3, comprising:
 - switching the input focus to the display port when opening the display port in the portion of the window.
6. (PREVIOUSLY PRESENTED) The method of claim 1, comprising:

swapping the information presented in the display port related to the second process with the information presented in the window related to the first process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window.

7. (ORIGINAL) The method of claim 6, comprising:

associating an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface.

8. (ORIGINAL) The method of claim 1, comprising:

hiding the presenting of information related to the second process and the display port while maintaining an execution of the second process.

9. (ORIGINAL) The method of claim 8, wherein the hiding occurs when

hiding the presenting of information related to the first process and the window while maintaining an execution of the first process.

10. (PREVIOUSLY PRESENTED) The method of claim 1, comprising:

closing the display port; and

halting an execution of the second process when the display port is closed.

11. (ORIGINAL) The method of claim 1, comprising:

closing the display port while maintaining an execution of the second process when closing the window and halting an execution of the first process;

opening a second window that is resizable within the presentation space of the monitor; and

presenting information related to the second process in the second window.

12. (ORIGINAL) The method of claim 1, comprising:

adding the second process to a list of selected processes; and

including the list of selected processes as selectable entries in a drop-down menu associated with the window.

13. (ORIGINAL) The method of claim 1, wherein the selecting comprises: browsing a repository of available processes including the second process.
14. (ORIGINAL) The method of claim 1, wherein the linking comprises: resizing the display port an amount proportional to an amount the window changes when the window is resized.
15. (ORIGINAL) The method of claim 1, wherein the linking comprises: maintaining a relative positioning of the display port within the window when repositioning the window within the presentation space of the monitor.
16. (ORIGINAL) The method of claim 1, wherein the first and second processes are associated with respective application programs.
17. (PREVIOUSLY PRESENTED) A system for exchanging information with a process using a window display port, the system comprising:
a monitor having a presentation space; and
a processor operatively coupled to the monitor, the processor including:
 logic configured to present information related to a first process in a window that is resizable within a presentation space of a monitor;
 logic configured to select a second process;
 logic configured to open a display port in a portion of the window;
 logic configured to present information related to the second process in the display port; and
 logic configured to link the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,
 wherein the first and second processes are separate processes.
18. (ORIGINAL) The system of claim 17, comprising:
a user interface operatively coupled to the processor;
wherein the processor includes:

logic configured to associate an input focus with the window, wherein the first process can receive information from the user interface; and
logic configured to associate the input focus with the display port, wherein the second process can receive information from the user interface.

19. (ORIGINAL) The system of claim 18, wherein the processor comprises: logic configured to associate the input focus with only one of the window and the display port at a time.

20. (ORIGINAL) The system of claim 19, wherein the processor comprises: logic configured to switch the input focus between the window and the display port.

21. (ORIGINAL) The system of claim 19, wherein the processor comprises: logic configured to switch the input focus to the display port when opening the display port in the portion of the window.

22. (PREVIOUSLY PRESENTED) The system of claim 17, wherein the processor comprises:

logic configured to swap the information presented in the display port related to the second process with the information presented in the window related to the first process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window.

23. (ORIGINAL) The system of claim 22, wherein the processor comprises: logic configured to associate an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface.

24. (ORIGINAL) The system of claim 23, wherein the logic configured to swap the information is responsive to an output of a pointing device included in the user interface.

25. (ORIGINAL) The system of claim 17, wherein the processor comprises:
logic configured to hide the presenting of information related to the second process and the display port while maintaining an execution of the second process.

26. (ORIGINAL) The system of claim 25, wherein the logic configured to hide is responsive to an activation of a control button associated with the window.

27. (ORIGINAL) The system of claim 25, wherein the logic configured to hide is responsive to a hiding of the presenting of information related to the first process and the window while maintaining an execution of the first process.

28. (PREVIOUSLY PRESENTED) The system of claim 17, wherein the processor comprises:
logic configured to close the display port; and
logic configured to halt an execution of the second process when the display port is closed.

29. (ORIGINAL) The system of claim 28, wherein the logic configured to close the display port is responsive to a combined output of a keyboard and a pointing device included in a user interface.

30. (ORIGINAL) The system of claim 17, wherein the processor comprises:
logic configured to close the display port while maintaining an execution of the second process;
logic configured to open a second window that is resizable within the presentation space of the monitor; and
logic configured to present information related to the second process in the second window.

31. (ORIGINAL) The system of claim 30, wherein the logic configured to close the display port is responsive to a closing of the window and a halting of an execution of the first process.

32. (ORIGINAL) The system of claim 17, wherein the processor comprises:

logic configured to add the second process to a list of selected processes;
and

logic configured to include the list of selected processes as selectable entries
in a drop-down menu associated with the window.

33. (ORIGINAL) The system of claim 32, wherein the logic configured to
select comprises:

logic configured to browse a repository of available processes including the
second process.

34. (ORIGINAL) The system of claim 33, wherein the logic configured to
browse is responsive to a selection of an entry in the drop-down menu.

35. (ORIGINAL) The system of claim 17, wherein the logic configured to
link comprises:

logic configured to resize the display port an amount proportional to an
amount the window changes when the window is resized.

36. (ORIGINAL) The system of claim 17, wherein the logic configured to
link comprises:

logic configured to maintain a relative positioning of the display port within the
window when repositioning the window within the presentation space of the monitor.

37. (ORIGINAL) The system of claim 17, wherein the first and second
processes are associated with respective application programs that can be executed
using the processor.

38. (PREVIOUSLY PRESENTED) A computer readable medium in which a
computer program for exchanging information with a process using a window display
port is stored, wherein the computer program comprises executable instructions for:

presenting information related to a first process in a window that is resizable
within a presentation space of a monitor;

selecting a second process;

opening a display port in a portion of the window;

presenting information related to the second process in the display port; and linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,

wherein the first and second processes are separate processes.

39. (ORIGINAL) The computer readable medium claim 38, wherein the computer program comprises executable instructions for:

associating an input focus with the window, wherein the first process can receive information from a user interface; and

associating the input focus with the display port, wherein the second process can receive information from the user interface.

40. (PREVIOUSLY PRESENTED) The computer readable medium claim 38, wherein the computer program comprises executable instructions for:

swapping the information presented in the display port related to the second process with the information presented in the window related to the first process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window.

41. (ORIGINAL) The computer readable medium claim 40, wherein the computer program comprises executable instructions for:

associating an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface.

42. (ORIGINAL) The computer readable medium claim 38, wherein the computer program comprises executable instructions for:

hiding the presenting of information related to the second process and the display port while maintaining an execution of the second process.

43. (ORIGINAL) The computer readable medium claim 38, wherein the computer program comprises executable instructions for:
adding the second process to a list of selected processes; and
including the list of selected processes as selectable entries in a drop-down menu associated with the window.

44. (ORIGINAL) The computer readable medium claim 38, wherein in linking, the computer program comprises executable instructions for:
maintaining a relative positioning of the display port within the window when repositioning the window within the presentation space of the monitor.

45. (PREVIOUSLY PRESENTED) A system for exchanging information with a process using a window display port, the system comprising:
a monitor having a presentation space;
means for presenting information related to a first process in a window that is resizable within the presentation space of the monitor;
means for selecting a second process;
means for opening a display port in a portion of the window;
means for presenting information related to the second process in the display port; and
means for linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port,
wherein the first and second processes are separate processes.

46. (ORIGINAL) The system of claim 45, comprising:
means for associating an input focus with the window, wherein the first process can receive information from a user interface; and
means for associating the input focus with the display port, wherein the second process can receive information from the user interface.

47. (PREVIOUSLY PRESENTED) The system of claim 45, comprising:
means for swapping the information presented in the display port related to the second process with the information presented in the window related to the first

process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window.

48. (ORIGINAL) The system of claim 47, comprising:

means for associating an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface.

49. (ORIGINAL) The system of claim 45, comprising:

means for hiding the presenting of information related to the second process and the display port while maintaining an execution of the second process.

50. (ORIGINAL) The system of claim 45, comprising:

means for maintaining a relative positioning of the display port within the window when repositioning the window within the presentation space of the monitor.

51. (PREVIOUSLY PRESENTED) The method of claim 13, wherein the browsing comprises:

including a browse option as a menu item of the window; and
opening a dialog box and presenting a list of selectable processes in the dialog box.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE